

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION

KONAMI DIGITAL ENTERTAINMENT
CO., LTD. and KONAMI DIGITAL
ENTERTAINMENT, INC.,

Plaintiffs,

v.

HARMONIX MUSIC SYSTEMS, INC., MTV
NETWORKS CO., VIACOM
INTERNATIONAL INC., and VIACOM
INC.,

Defendants,

VIACOM INC. and VIACOM
INTERNATIONAL INC.,

Counterclaim Plaintiffs,

v.

KONAMI DIGITAL ENTERTAINMENT
CO., LTD. and KONAMI DIGITAL
ENTERTAINMENT, INC.,

Counterclaim Defendants.

Civil Action No. 6:08-CV-286 JDL

**DEFENDANTS' NOTICE OF LEAD COUNSEL AND OF RE-FILING THEIR MOTION
TO COMPEL PATENT PROSECUTION FILES**

Defendants Harmonix Music Systems, Inc., MTV Networks, Viacom International Inc., and Viacom Inc. (collectively, "Defendants") hereby designate Mark N. Reiter and Josh A. Krevitt to serve as co-lead counsel on their behalf in the above-styled and numbered cause.

Additionally, Defendants hereby notify the Court that they do not intend to re-file their Motion to Compel Patent Prosecution Files ("Motion") in the Eastern District of Texas. The parties completed their meet and confer requirements pursuant to Local Rule CV-7(h) for this Motion on October 28, 2009, at which time Ron Lemieux, lead counsel for Plaintiffs, informed Mark Reiter, lead counsel for Defendants, that Plaintiffs would continue to oppose the Motion on procedural grounds if re-filed in the Eastern District of Texas. Accordingly, Defendants have decided to proceed by filing the Motion in the Southern District of New York.

DATE: November 4, 2009

Respectfully submitted,

Mark N. Reiter (TX #16759900)
mreiter@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
2100 McKinney Avenue, Suite 1100
Dallas, Texas 75201
Telephone: (214) 698-3100
Facsimile: (214) 571-2900

Michael E. Jones (TX #10929400)
mikejones@potterminton.com
POTTER MINTON,
A PROFESSIONAL CORPORATION
110 North College
500 Plaza Tower
Tyler, Texas 75702
Telephone: (903) 597-8311
Facsimile: (903) 593-0846

/s/ Mark Reiter
Josh A. Krevitt (NY # 2568228)
jkrevitt@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
200 Park Avenue, 47th Floor
New York, New York 10166
Telephone: (212) 351-4000
Facsimile: (212) 351-4035

S. Ashlie Beringer (CA #263977)
aberger@gibsondunn.com
GIBSON, DUNN & CRUTCHER LLP
1881 Page Mill Road
Palo Alto, California 94304
Telephone: (650) 849-5219
Facsimile: (650) 849-5019

Attorneys for Defendants Harmonix Music Systems, Inc., MTV Networks, Viacom International Inc., and Viacom Inc.

CERTIFICATE OF SERVICE

I certify that the foregoing document was filed electronically on November 4, 2009 with the clerk of the court for the U.S. District Court, Eastern District of Texas, Tyler Division pursuant to Local Rule CV-5(a) and served on all counsel who have consented to electronic service. Any other counsel of record will be served by first-class mail.

/s/ Jennifer Rho

100756646_1.DOC